

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James Edward Rose, Jr., #1432,)	C/A No. 2:23-2132-HMH-TER
Plaintiff,)	
)	
vs.)	ORDER
)	
Deadra L. Jefferson, Chief Admin. Judge 9 th Jud.Cir.)	
)	
Defendant.)	
)	

This is an action filed by a pretrial detainee, proceeding *pro se*. This case is before the undersigned due to Plaintiff's failure to comply with the magistrate judge's order dated May 24, 2023, for Plaintiff to file a motion to proceed *in forma pauperis* or pay the filing fee. (ECF No. 5).

The mail in which the Order was sent to Plaintiff's provided address has been returned to the court, stating Plaintiff was released. (ECF No. 7). The Court has not received a change of address from Plaintiff or a response from Plaintiff to the Order and the time for compliance has passed.

The court has "inherent power to manage its docket in the interests of justice." *Lubarda v. Purdue Frederick Corp.*, No. 4:13-cv-00897, 2013 WL 12157548, at *1 (D.S.C. May 31, 2013). It also has the authority expressly recognized in Rule 41(b) to dismiss actions for failure to prosecute. Fed. R. Civ. P. 41(b). "The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).

Plaintiff's lack of response indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir.

1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 26, 2023

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.